

NATIONAL GOVERNMENT JOURNAL, AND REGISTER OF OFFICIAL PAPERS.

VOL. I. NO. 44.] [SEPTEMBER 4, 1824.

Appointments.

Appointments by the President.

ELIAS GLENN, of Maryland, to be Judge of the United States for the District of Maryland, in place of Theodorick Bland, resigned.

NATHANIEL WILLIAMS, of Maryland, to be Attorney of the United States for the District of Maryland, in place of Elias Glenn, appointed Judge.

BRITISH UNION JACK FOR A PILOT.

MR. ADDINGTON TO MR. ADAMS.

Washington, August 29, 1824.

Sir:—Much inconvenience having been found to result, in many cases, to the British navy, from the use of the flag—namely, the Union Jack, hoisted at the fore-top—hitherto generally adopted as a signal for pilots in foreign countries, it has been determined by the British Admiralty, to substitute, henceforward, for that signal, a special flag, namely: the British Union Jack, with a broad white border added to it. I enclose, herewith, a coloured representation of the new flag.

In announcing this alteration to you, sir, and in requesting that you will take immediate measures for causing it to be generally known to those concerned, I am directed by His Majesty's Secretary of State, to suggest to this government, whether it may not be deemed expedient by them to adopt, on their part, for the use of the American navy, some distinguishing flag, as a special signal for the same purpose.

It is believed, that by a compliance with the above proposition, much embarrassment, and, in many instances, serious distress and danger, may be spared to the vessels of the United States in foreign countries.

I have the honour, sir, to offer you the renewed assurance of my distinguished consideration.

H. U. ADDINGTON.

The Hon. JOHN QUINCY ADAMS, Secretary of State.

NOTICE.

This is the Flag to be hoisted by all British Vessels for a Pilot:



Note.—The colour of the parts marked with the letter B is sky-Blue—those with R is Red.

Viz.: A British Union Jack with a border of white of one-fifth of the breadth of the Jack.

JAMES MONROE, PRESIDENT OF THE UNITED STATES OF AMERICA: To all whom it may concern:

Satisfactory evidence having been exhibited to me that JOHN HOME PUNKE, Esq. is appointed Consul of his Majesty, the King of the United Kingdom of Great Britain and Ireland, for East and West Florida to reside at Pensacola, I do hereby recognise him as such, and declare him free to exercise such functions, powers, and privileges, as are allowed to the Consuls of the most favoured Nations in the United States.

In testimony whereof, I have caused these letters to be made Patent, and the Seal of the United States to be hereunto affixed. Given under my hand, at the [L. S.] City of Washington, the thirty-first day of August, A. D. 1824, and of the Independence of the United States of America, the forty-ninth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, Secretary of State.

JAMES MONROE, PRESIDENT OF THE UNITED STATES OF AMERICA: To all whom it may concern:

Satisfactory evidence having been exhibited to me that BRYAN P. TILDEN, Esq. is appointed Vice-Consul of His Imperial Majesty the Emperor of Brazil, to reside at Boston, I do hereby recognise him as such, and declare him free to exercise such functions, powers, and privileges, as are allowed to Vice-Consuls of the most favoured Nations in the United States.

In testimony whereof, I have caused these letters to be made patent, and the Seal of the United States to be hereunto affixed. Given under my hand at the [L. S.] city of Washington the first day of September, A. D. 1824, and of the Independence of the United States of America, the forty-ninth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, Secretary of State.

JAMES MONROE, PRESIDENT OF THE UNITED STATES OF AMERICA:

To all whom it may concern:

Satisfactory evidence having been exhibited to me, that HERMAN BRUEN, Esq. is appointed Vice-Consul of his Imperial Majesty the Emperor of Brazil, to reside at New-York, I do hereby recognise him as such, and declare him free to exercise such functions, powers, and privileges, as are allowed to the Vice-Consuls of the most favoured Nations in the United States.

In testimony whereof, I have caused these letters to be made Patent, and the Seal of the United States to be hereunto affixed. Given under my hand at the [L. S.] City of Washington, the first day of September, A. D. 1824, and of the Independence of the United States of America, the forty-ninth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, Secretary of State.

JAMES MONROE, PRESIDENT OF THE UNITED STATES OF AMERICA:

To all whom it may concern:

Satisfactory evidence having been exhibited to me that JAMES MORRELL, Esq. is appointed Vice-Consul of his Imperial Majesty, the Emperor of Brazil, to reside at Philadelphia, I do hereby recognise him as such, and declare him free to exercise such functions, powers, and privileges, as are allowed to the Vice Consuls of the most favoured Nations in the United States.

In testimony whereof, I have caused these Letters to be made Patent, and the seal of the United States to be hereunto affixed. Given under my hand at the [L. S.] at the City of Washington, the first day of September, A. D. 1824, and of the Independence of the United States of America, the forty-ninth.

JOHN QUINCY ADAMS, Secretary of State.

JAMES MONROE, PRESIDENT OF THE UNITED STATES OF AMERICA:

To all whom it may concern:

Satisfactory evidence having been exhibited to me, that EDWARD JOHN COALE, Esq. is appointed Vice-Cousul of his Imperial Majesty, the Emperor of Brazil, for the state of Maryland, to reside at Baltimore, I do hereby recognise him as such, and declare him free to exercise such functions, powers, and privileges, as are allowed to the Vice-Consuls of the most favoured Nations in the United States.

In testimony whereof, I have caused these letters to be made Patent, and the Seal of the United States to be hereunto affixed. Given under my hand, at the [L. S.] the City of Washington, the first day of September, A. D. 1824, and of the Independence of the United States of America, the forty-ninth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, Secretary of State.

JAMES MONROE, PRESIDENT OF THE UNITED STATES OF AMERICA:

To all whom it may concern:

Satisfactory evidence having been exhibited to me, that CHRISTOPHER NEALE, Esq. is appointed Vice-Consul of his Imperial Majesty the Emperor of Brazil, for the District of Columbia, to reside at Alexandria, I do hereby recognise him as such, and declare him free to exercise such functions, powers, and privileges, as are allowed to the Consuls of the most favoured Nations in the United States.

In testimony whereof, I have caused these letters to be made Patent, and the Seal of the United States to be hereunto affixed. Given under my hand, at the [L. S.] at the City of Washington, the first day of September, A. D. 1824, and of the Independence of the United States of America, the forty-ninth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, Secretary of State.

Law.

(The following Law was accidentally omitted at its proper place.)

CHAP. 139. An ACT to improve the navigation of the Ohio and Mississippi Rivers. SECT. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to cause the navigation of the Ohio river to be improved over the following sand bars, or either of them, at his discretion, to wit: the sand bar which crosses said river, one mile and a quarter below Flint Island, the sand bar two miles above French Island; and the bar just below Henderson; the bar below Straight Island; the bar below Willow Island, in the Mississippi bend; and the bar opposite to lower Smithland, below Cumberland Island; and, for the purpose of ascertaining and directing the best method of carrying the provisions of this act into effect, he may employ any of the engineers in the public service which he may deem proper: Provided, nevertheless, That two experiments shall be made upon two of the said bars, and if in his judgment they shall be successful, then, and not otherwise, he is hereby authorized to cause improvements to be made upon the remaining bars.

SECT. 2. And be it further enacted, That, for the purpose of improving the navigation of the Mississippi river, from the mouth of the Missouri to New-Orleans and of the Ohio river from Pittsburg to its junction with the Mississippi the President of the United States is hereby authorized to take prompt and effectual measures for the removal of all trees which may be fixed in the bed of said river; and, for this purpose he is authorized to procure and provide, in that way which in his discretion may be most eligible, the requisite water craft, machinery, implements and force, to raise all such trees, commonly called "planters, sawyers, or snags," as may be found in the current of the said rivers at the lowest stage of water, and to saw or cut them off as near as practicable to the bottom of the stream; and where trees are found upon sand bars, upon the points of islands, or near the bank of the river, which may at the lowest stage of the water, endanger the safety of navigating said rivers they shall in like manner be cut, removed, or sawed off; and all roots or limbs, belonging to those parts of said trees, which are fastened in the earth, shall be carefully cut away.

SECT. 3. And be it further enacted, That, for the purpose of carrying into effect the provisions of this act, the sum of seventy-five thousand dollars be and is hereby appropriated. And the President of the United States is hereby authorized to draw from time to time, on the Treasury, for such parts, or at any one time for the whole, of said sum, as he shall judge the service requires; which said sum shall be paid out of any money in the Treasury not otherwise appropriated.

SECT. 4. And be it further enacted, That the President be, and is hereby, requested to cause to be laid before Congress, as soon as convenience will permit after the commencement of each session, a statement of the proceedings under this act that Congress may be enabled to adopt such further measures as may from time to time, be necessary, under existing circumstances.

[Approved May 24, 1824.]

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Indians.

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SECT. 4. All cases pending in the District Courts at Mobile and Cahawba, to be adjourned, &c. from the times heretofore prescribed by law for holding said Courts, to the times appointed by this act, &c.

SECT. 5. All cases pending in said Courts, in which the defendant or defendants resided in the northern District, at the time of serving the process, to be transferred to the Court for the northern District, &c.

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SECT. 7. A Clerk of the District Court for the northern District to be appointed, who shall reside, &c. at the place of holding said Court.

SECT. 8. The District Attorney heretofore appointed for the District of Alabama, to be Attorney for the southern; and one to be appointed for the northern District of Alabama.

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SECT. 1. Levy Court of the County of Alexandria to have the powers which the County Courts of Virginia possessed, &c., on the 27th of February, 1801, in relation to County levies.

SECT. 2. Seven Justices of the Peace to constitute a quorum.

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SECT. 3. No person to be deemed an actual settler within the provisions of the act of 3d March, 1823, unless he be an occupier or cultivator of the land at the period of the cession.

SECT. 4. So much of the act, of which this is an amendment, to be repealed.

SECT. 5. Secretaries of Commissioners having received 1,250 dollars, required to pay over such fees as have been demanded and received by them.

SECT. 6. So much of the act of which this is amendatory, as makes void all claims not filed before the first of December, 1823, to be repealed.

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Proviso.

SECT. 2. A deduction at the rate of thirty-seven and a half per centum to be made on complete payments.

SECT. 3. Duty of the Register and Receiver.

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SECT. 2. All oaths under this act to be administered by the Register and Receiver.

SECT. 3. The Register and Receiver to receive 25 cents for every hundred words of the evidence transmitted to the Land Office.

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SECT. 2. Every petition presented under this act, to be conducted according to the rules of a Court of Equity.

SECT. 3. The evidence received by the different tribunals, shall be admitted as such for or against the United States, in all trials under this act, when the person testifying is dead.

SECT. 4. Duty of the Attorney in all cases in which evidence shall be offered, not received by either of the tribunals constituted for that purpose.

SECT. 5. Any claim to lands, &c., under this act, which shall not be brought by petition before the said Courts, within two years, forever barred.

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Proviso.	
Proviso.	
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Document.

Report of the Committee of Claims in the case of John Mitchell, with a Bill for his Relief. April 15th, 1824: Read, and, with the Bill, committed to a Committee of the whole House to-morrow.

The Committee of Claims, to which was referred the petition of John Mitchell, Report:

That, in the year 1812, the petitioner was appointed agent for prisoners of war at Halifax, with a salary of \$2,000 per annum, from the Department of State. A further allowance of \$1,000 per annum was made by the Navy Department, from the 1st of September, 1812, to the 10th of March, 1813; and, in November, 1813, Mr. Mitchell was informed that, "upon his representations of the expensive rate at which the necessities of life were obtained at Halifax, and the great number of prisoners generally held there, and to whose claims and proper treatment he had to attend," his salary would be increased to \$3,000 per annum; and, on the settlement of his accounts, this latter sum, (including the payment by the Navy Department,) was allowed him, from the 1st of September, 1812, to the 31st of March, 1815, the full period of his service, and a balance was found against him, of \$12,370 52.

Opposed to this balance, the petitioner has urged a claim to an equal amount, which is set forth in the following words and figures, to wit:	
To this sum, due from John Osborn, for Bill of Exchange, drawn on John Mason, Commissary General of Prisoners of War,	\$5,000 00
To this sum, suspended at Navy Department,	524 82
To this sum, suspended at Fifth Auditor's, for lost vouchers,	580 49
To this sum, for his expenses from Washington to Philadelphia, to charter a cartel, and expenses to Halifax, \$500, which was paid him in Washington, but stands to his debit on the books of the Treasury,	500 00
To this sum, for his expenses and stores from Halifax to New York, and from thence to Washington, (several prisoners of war came home with him and lived on his stores,) .	500 00
To this sum, as allowance for expenses beyond his appointment, [salary,] and which was actually expended by him, and which is only \$500 per annum beyond Mr. Beasley's salary in London,	5,265 21
	\$12,370 52

These several charges were originally disallowed by the accounting officers, and by the Executive, to whom an appeal has been taken; but, more recently, the suspensions at the Navy Department have been admitted to his credit, by which the balance has been reduced to \$11,845 70. Of this balance, \$5,000 is for the bill of exchange, mentioned in the petitioner's account, and which was drawn in favour of John Osborn, a merchant at Halifax, who appears to have acted as agent of the petitioner, in the purchase of clothing and other supplies, for the prisoners of war; and, as the petitioner states, was to have been credited to him by Osborn, on the receipt of notice of payment in the United States. This bill was drawn on the 11th of November, 1813, and, on the 24th of November, 1814, (the day the petitioner left Halifax, having been ordered to leave the province in the short period of ten days from the date of his notice,) a settlement took place between the parties, and a balance of upwards of thirteen thousand dollars was paid to Osborn, leaving the bill for \$5,000 unaccounted for; an error which was not discovered till after the return of the petitioner to the United States. Measures have subsequently been taken, to collect the amount of the bill from Osborn; but without success, he having become insolvent, and left the country.

The petitioner prays to be relieved from this charge, on the ground that the error resulted from the hasty manner in which he was obliged to leave the province: the period allowed for his departure being so short as to preclude him from a careful examination of his accounts, amidst the various arrangements which necessarily engaged his attention, and which were rendered the more difficult, from his having been previously compelled to reside six miles from town.

From the charge of § 580 49, the amount of suspensions by the Fifth Auditor, he claims to be relieved on the ground of the vouchers having been lost. Five hundred dollars he claims to have been expended in his preparations for, and on the voyage to Halifax; and he therefore claims a credit to this amount. He also claims credit for a like amount, for his expenses in returning to the United States, and for sundry stores which are alleged to have been furnished to prisoners of war who came from Halifax with him. The last item in his account, § 5,265 21, he alleges to have been necessarily expended while at Halifax, in addition to his entire salary, and about \$1,500 of his private funds; and, for this also a credit is claimed.

The bill of exchange in favour of Osborn, having been drawn something more than a year before the petitioner left Halifax, he cannot in the opinion of the Committee, rightfully claim that its loss shall fall upon the United States, on the ground that the omission to bring it to the debit of Osborn resulted from the manner in which he was obliged to leave the country. That the items which have been suspended for want of vouchers, should be settled upon the best evidence of which the nature of the case will admit, is believed to be reasonable, for which the bill herewith reported is intended to provide. But nothing has been shown to induce a belief that any allowance should be made beyond the salary for expenses which may have been incurred by the petitioner, previous to his leaving the United States, to enter upon the discharge of his duties.

No evidence has been deduced, other than the statements of the petitioner relative to the amount of his necessary expenses while employed in the discharge of his public duties, and the statements furnished, as not such as to enable the Committee to form any satisfactory opinion as to the gross amount which must have been expended in any given period. That the expenses of living were extravagantly high, no doubt is entertained; and, in consideration thereof and the faithful services which the petitioner is believed to have rendered, added to the misfortune to which he has been subjected in the loss of the bill of exchange, the Committee recommend that an increase of salary be allowed to the amount of fifteen hundred dollars per annum, during the period of his absence from the United States; and for this, also, they have provided in the bill.